



Our Reference: CBC-122-B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT

Petitioner, ABCO Inc. (d/b/a Progressive Foam Products), the owner of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,542,222. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is abandoned by a court of competent jurisdiction, or is otherwise

disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.221, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated

-2-

prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I certify under 37 CFR 3.73(b) that the Petitioner is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. ☒ An Assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7315, Frame 385, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application is identified above, to the current assignee as shown below:

1. From: _____ To: _____
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2. From: _____ To: _____

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified below.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code

and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

November 21, 1996
Date

Patrick M. Culpepper
Signature

Mr. Patrick M. Culpepper

President

____ Terminal disclaimer fee under 37 CFR 1.29(d) included.

____ PTO suggested wording for terminal disclaimer was X unchanged, ____ changed (if changed, an explanation should be supplied).